IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

| WYNDHAM VACATION |) | |
|----------------------------|--------------------|----|
| RESORTS, INC., |) | |
| Plaintiff, |) | |
| v. |) No. 09-00899 |) |
| TOA, LLC d/b/a THE OWNERS' |)) Judge Hayne | es |
| ADVOCATE, |) | |
| DAVID HUMPHREY |) | |
| a/k/a SCOTT DAVIDSON, |) | |
| KURT W. BARTLETT, |) | |
| and KAY METKO, |) | |
| |) | |
| Defendants. |) | |
| | | |

MOTION FOR ENTRY OF ORDER AMENDING PRELIMINARY INJUNCTION

Plaintiff, Wyndham Vacation Resorts, Inc. (the "Plaintiff" or "Wyndham"), hereby

moves the Court for entry of the attached Order Amending Preliminary Injunction.

Respectfully submitted,

/s/ Courtney S. Gilmer

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Attorneys for Wyndham Vacation Resorts, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail, first-class postage prepaid. Parties may access this filing through the Court's electronic filing system.

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> <u>/s/ Courtney H. Gilmer</u> Courtney H. Gilmer